

Spring Term, 2020

STUDENT COURT OF YESHIVA UNIVERSITY WILF CAMPUS

Syllabus

Yeshiva University Canvassing Committee v YSU

Submitted April 2, 2020 – Decided April 5, 2020

Syllabus: On April 2, 2020 the Student Court of the Yeshiva University Wilf Campus received a Writ of Petition on behalf of the Yeshiva University Canvassing Committee, hereafter “Petitioners.” Petitioners asked this Court to determine whether or not the newly announced "Amendment #1 Regarding the Signatures Required by Candidates in time of Off-Campus Election," which was announced to the student body by YSU, hereafter “Respondents,” violates the Wilf Constitution's rules for proposing and passing amendments, as well as whether or not there was a conflict of interest in passing the proposed amendment. The Court agreed to hear the case, but decided it would only offer judgement on Petitioner’s claim regarding the Constitutionality of the amendment. The Chief Justice and all Associate Justices partook in deliberations about Petitioner’s claim.

Held: By failing to propose this amendment in accordance with the Constitution's procedures, the newly announced "Amendment #1 Regarding the Signatures Required by Candidates in time of Off-Campus Election" fails to meet the Constitutional standards of a legitimate amendment. All votes cast for it are null and void. The Court directs the Yeshiva University Canvassing Committee to run the Spring Election pursuant to its duty to do so under Article III of the Wilf Constitution and require the appropriate number of signatures, as outlined

in Article III, Section 3(3) of the Wilf Constitution. The Court also recognizes that garnering digital signatures is Constitutional and instructs the Yeshiva University Canvassing Committee to institute such a collection method.

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Opinion of the Court

Yeshiva University Canvassing Committee v YSU

Submitted April 2, 2020 – Decided April 5, 2020

Chief Justice Phillip Dolitsky delivered the opinion for a unanimous Court.

On April 2, 2020, Mr. Jacob Rosenfeld, Chairman of the Yeshiva University Canvassing Committee sent a Writ of Petition to this Court, asking it decide whether or not the newly announced "Amendment #1 Regarding the Signatures Required by Candidates in time of Off-Campus Election," hereafter "Amendment," which was announced to the student body by YSU (although it was purportedly passed by the General Assembly) violates the Wilf Constitution's rules for proposing and passing amendments. The proposed Amendment reads:

(7) In the event that the student body is not convened on campus for a significant period of time, candidates running for any elected position shall need to submit a petition signed by five percent of the body they wish to represent or fifty students, whichever is less. Only candidates who submit valid petitions may have their names printed on the ballots.

The purpose of the Amendment, according to the email where the Amendment was distributed, was to "allow for an easier time for candidates to run for elections during this challenging period." "Easier," in this instance, apparently means less signatures; "five percent of the body

they wish to represent or fifty students, whichever is less,” as opposed to the Constitutionally mandated “one-third of the body they wish to represent or five hundred students, whichever is less” as outlined in Article III, Section 3(3) of the Wilf Constitution. Although this Court sympathizes with the General Assembly’s desire to ease the burden on potential candidates during this difficult time away from campus in the midst of the COVID-19 pandemic, rules are still rules and so far as this Court can tell, the General Assembly didn’t abide by any.

The new Amendment clashes with the Constitution in two distinct ways. Article XIII of the Wilf Constitution outlines the procedures for ratifying amendments. Section 1(2) reads:

The committee shall convene a Constitutional Amendments Convention each semester with the purpose of raising any potential amendments to the Student Government Constitution. All students shall have the opportunity to state opinions with regard to specifics of the Student Government Constitution, as well as to propose their own amendments.

No such convention took place. By crafting an amendment on their own without ever convening a Constitutional Convention, the General Assembly failed to properly adhere to the Constitution. Furthermore, Section 1(4) reads:

There shall be a General Student Body Amendment Votes held each semester, unless no amendments have been proposed. The fall semester vote must take place within the two weeks prior to Reading Week. The spring semester vote shall be incorporated into the General Election.

The Constitution mandates that the spring semester vote be incorporated into the General Election. It does not allow for amendments to be voted upon and ratified before the General

Election. As such, the General Assembly's wish to have their Amendment incorporated prior to the Spring Election has no Constitutional merit.

Lastly, this Court is bewildered by an inconsistency in the General Assembly's reasoning. The writers of the Amendment believe that the unique circumstances we find ourselves in make it exceedingly difficult to secure the proper, constitutionally mandated number of signatures to run for office. Yet, the Constitution (Article XIII, Section 1(5)) requires a significantly higher number of signatures to ratify an amendment: three-fifths of the student body. That the General Assembly believes they can secure a vote from three-fifths of the student body, but simultaneously think that a potential candidate cannot secure one-third of the body he wishes to represent is an inconsistency of epic proportions.

In its last opinion, this Court expressed its desire to see the Constitution updated and enhanced. And while we are pleased to see the General Assembly take action, this Court will not allow for changes to the Constitution in an illegitimate manner. Instead, this Court will faithfully uphold, protect and defend the Constitution without fear or favor from whatever quarter.

We recognize these times are unique and challenging. But the Yeshiva University community is a strong community. Over the past few weeks, it has shown that when the going get tough, the tough do indeed get going. This Court believes that the Student Body will rise to the occasion and help its peers who wish to lead this university secure the proper number of signatures.

It is so ordered.

Dolitsky, C.J., delivered the opinion for a unanimous Court on behalf of Sosnowik, J., Lavi, J., Stern, J., Burg, J.